



COMMODITY SUPPLEMENTAL FOOD PROGRAM  
POLICY AND PROCEDURE MANUAL

# Chapter 12

## Fair Hearings

Chapter 12	Fair Hearings	
	Fair Hearings for Individuals .....	12.1
	Fair Hearings for Local Agencies .....	12.2



## COMMODITY SUPPLEMENTAL FOOD PROGRAM

### POLICY AND PROCEDURE MANUAL

SUBJECT: Fair Hearings for Individuals	Chapter: 12
	Section: 12.1
REFERENCES: 7 CFR 247.20 and Section 2.7 herein.	Page: 1 of 2
	Revised: 8-2-04

**PURPOSE:** To provide a hearing procedure through which any individual may appeal a State or local agency action that results in the denial or termination of benefits to the individual.

**POLICY:** Individuals have a right to a fair hearing and may appeal any decision made by the local agency regarding denial or termination from the CSFP.

#### PROCEDURES:

- A. Each program applicant or participant shall be informed of their right to a fair hearing in accordance with CSFP Policy and Procedure Section 2.7 – Fair Hearings.
- B. If a hearing is requested within the 15 day advance notice period by participants found ineligible at any time during a certification period, benefits will be continued or reinstated until a decision is reached or the certification period expires, whichever occurs first. Applicants, who are denied benefits at initial or subsequent certifications, shall not receive benefits while waiting for the hearing.
- C. All requests for fair hearings will be carried out by officials of the local agency. Local agencies are required to appoint a fair and impartial hearing officer for the purpose of conducting fair hearings. The local agency must schedule and conduct the hearing within 30 days from the date of the request for the hearing. Those requesting the hearing will be notified in writing no less than 10 days in advance of the time and place of the hearing.
- D. A request for a hearing will not be dismissed or denied unless:
  1. The request is not received within 60 days from the notice of adverse action; or
  2. The request is withdrawn in writing by the appellant; or
  3. The appellant or appellant's representative fails, without good cause, to appear at the scheduled hearing; or
  4. The appellant has been denied participation by a previous hearing and cannot provide evidence that circumstances relevant to program eligibility have changed in such a way as to justify a hearing.
- E. Hearings shall be conducted by an impartial official and in accordance with 7 CFR 247.20(g), (h), (i) and (j).



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	Revised: 8-2-04

- F. If the hearing decision is in favor of the appellant, and benefits were denied or discontinued, benefits shall begin immediately.
- G. If the decision concerns disqualification and is in favor of the agency, as soon as administratively feasible, the local agency shall terminate any continued benefits, as determined by the hearing officer.
- H. All records of the hearing shall be retained in accordance with program regulations and shall be available to the appellant or appropriate representative.



## COMMODITY SUPPLEMENTAL FOOD PROGRAM

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SUBJECT: Fair Hearings for Local Agencies	Chapter: 12
	Section: 12.2
REFERENCES: 7 CFR 247.20	Page: 1 of 1
	Revised: 8-2-04

**PURPOSE:** To provide a hearing procedure through which any local agency may appeal a State agency action with monetary consequences for the local agency.

**POLICY:** Local agencies have a right to appeal any action by the State with monetary consequences.

#### PROCEDURES:

- A. All requested fair hearings will be conducted within 30 days from the date the department receives the request for a hearing. Those requesting a hearing will be notified in writing a minimum of ten days in advance of the time and place of the hearing and of the hearing procedure.
- B. Requests for fair hearings by local agencies to MDHSS will be conducted by an Attorney at Law under contract with the Missouri Department of Health and Senior Services to hear appeals of Child Nutrition Programs. Since this is a contractual relationship, executed solely for the purpose of presiding at hearings, hearings will be conducted in a fair and impartial manner. The hearing will be conducted within 30 days from the date of request for the hearing. Those requesting the hearing will be notified in writing no less than 10 days in advance of the time and place of the hearing.
- C. The appellant will be notified in writing of the decision of the Hearing Officer within 30 days of the hearing. All decisions shall be based on facts found in the hearing record, and the parties will be notified of their right to appeal the decision to the district court within 30 days. The Hearing Officer's decision is binding on the state and the local agency, and if in favor of the appellant, program benefits shall begin within 30 days.